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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Remarks

1. This office action is in response to the amendment filed on 02/21/2007.

2. Claims 1, 13, 23, 24, 26, 27 and 34 have been amended.

3. The 35 U.S.C. 112 second paragraph rejection of claims 26 and 27 is withdrawn in view of the Applicant's amendment.

4. The 35 U.S.C. 101 rejection of claims 12 and 23 is withdrawn in view of the Applicant's amendment

5. Claims 1-34 remain pending and have been examined.

Response to Amendment

6. Applicant's amendment filed on 02/21/2007 changes the scope of claims 1-34. Therefore a new ground of rejection is applied.

Response to Arguments

7. Applicant's arguments filed on 02/21/2007, in particular on pages 10-13, has been fully considered but they are not persuasive. For example:

   - From page 10, last paragraph to page 10, first paragraph, Applicant contends that Claims 24-25 and 29-33 are statutory. Because the data structure "recorded on a computer-readable medium and therefore have become

'structurally and functionally interrelated to the medium' and therefore are

statutory".

Examiner disagrees with that. As Applicant cited at page 10, last paragraph

"that 'functional descriptive material' consists of data structure <u>and computer</u>

<u>programs</u>[emphasis added] which impart functionality when employed as a

computer component...'". However, claim 24 only defines a data structure

comprising 2 sets of data, which the Examiner interpreted as pure data that

does not perform any functions, which is nonfunctional descriptive material as

Examiner cited at previous Office Action. Therefore, these claims are non-

statutory. See detail rejection below.

- At page 11, second and third paragraphs, Applicant argues that the reason
  and motivation for U.S.C. 103 rejection of claims 12, 24-28 and 34 is not
  clear.

Examiner's position is that for the purpose of compact prosecution, claims 12,

24-28 and 34 are treated as statutory computer product/system version of the

claimed method, which are computer program and data structure stored on

the computer–readable medium and executed by computer system. And it is

well known in the computer art to practice as such a method implemented by

a computer system would has its program code, executable instructions,

steps and/or functional data structure stored on such a computer readable

medium so that it would be executed by the computer system to realize its

functionality. Therefore, they would have been obvious to one skilled in the

art.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9.   Claims 1-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1, 13, 24 and 34 claim a step "synthesizing a base file based upon package size" which is not defined in the specification. Moreover, in claim 1, the step of "generating a list of prospective delta inputs, including an entry for each unique source file in the plurality of source files" is also not defined by specification. The specification only discloses a "supplied file list" (see for example, Fig.2, element 212 and related text) as input file list, but does not disclose how to generate it.

For the purpose of compact prosecution, the examiner treats "synthesizing a

base file based upon package size" as –selecting a source file as a base file—

and treats "generating a list of prospective delta inputs" as enabled.

Claim Rejections - 35 USC § 101

10.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

11.   Claims 24-25 and 29-33 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claims 24-25 and 29-33:

Claims 24-25 and 29-33 are rejected under 35 U.S.C. 101 because those claims

refer to a computer-readable medium having only stored thereon a data structure

(data structure Per Se.), which is **nonfunctional descriptive material**.

According to MPEP, chapter **2106 Patentable Subject Matter - Computer-**

Related Inventions [R-3], IV, 1, (b), descriptive material that cannot exhibit any

functional interrelationship with the way in which computing processes are

performed does not constitute a statutory process, machine, manufacture or

composition of matter and should be rejected under **35 U.S.C. 101**. Therefore,

the above claims are non-statutory. For further information, see MPEP (Latest

Revision August 2006), Chapter 2106 Patentable Subject Matter - Computer-

Related Inventions [R-3], IV. DETERMINE WHETHER THE CLAIMED

INVENTION COMPLIES WITH 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

12.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed
publication in this or a foreign country, before the invention thereof by the applicant for a patent.

13.   Claims 1, 4-8, 10 and 11 are rejected under 35 U.S.C. 102(a) as being

anticipated by Zan (Zan et al, "Cluster-Based Delta Compression of a Collection

of Files")

Claim 1:

Zan discloses in a computing environment, a method comprising:

- receiving information corresponding to a plurality of source files (see for

    example, p.2, left column, lines 10-13, "obtaining optimal compression of a

    collection of n files");

- generating a list of prospective delta inputs, including an entry for each

    unique source file in the plurality of source files (see for example, p.5,

    section 3.3, "Clustering Using Min-Wise Independent Hashing");

- selecting a source file as a base file (see for example, p.2, left column, lines 36-38, "each target file is compressed with respect to a single reference file");

- generating a delta from the base file and source file (see for example, p.2, left column, lines 36-38, "each target file is compressed with respect to a single reference file"); and

- packaging the base file and the delta into a self-contained package (see for example, p.2, left column, lines 41-44, "compressing and uncompressing an entire collection").

Claim 4:

Zan discloses the method of claim 1 wherein the first source file and the second source file are not different versions of the same file. (see for example, Fig.1, and related text, also see, p.3, left column, lines 8-15, "collection of files")

Claim 5:

Zan discloses the method of claim 1 wherein the first source file and the second source file are not different language translations of the same file. (see for example, Fig.1, and related text, also see, p.3, left column, lines 8-15, "collection of files")

Claim 6:

Zan discloses the method of claim 1 wherein the first source file and the second

source file are different language translations of the same file. (see for example,

Fig.1, and related text, also see, p.3, left column, lines 8-15, "collection of files")

Claim 7:

Zan further discloses the method of claim 1 wherein selecting the first source file

as the base file comprises selecting the source file based on package size

considerations. (see for example, p.3, section 2, "Delta Compression Based on

Optimum Branchings" and also see abstract, "compress a large collection of

related files" and p.3, right column, lines 1-5, "The optimal sequence for

compression")

Claim 8:

Zan also discloses the method of claim 7 further comprising constructing a

directed graph of file sizes based on multiple possible pairings of source files,

and selecting the first source file based on information in the directed graph. (see

for example, Fig.1 and related text, "edge" and "node")

Claim 10:

Zan discloses the method as in claim 1 wherein selecting the first source file as

the base file comprises computing sizes of possible deltas and selecting the first

source file based on the sizes. (see for example, p.4, right column, lines 3-7,

"pairwise delta compression", "Cluster-Based Delta Compression")

Claim 11:

Zan also discloses the method of claim 1 further comprising, providing the

package to a recipient, the recipient applying the delta to the first source file to

synthesize the second source file (see for example, p.1, right column, lines 1-8,

"sender and receiver both possess a reference file").

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

15.   Claims 12, 24-28 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zan (Zan et al, "Cluster-Based Delta Compression of a

Collection of Files")

Claim 12, 24:

Claims 12 and 24 are computer product version for performing the claimed

method as in claim 1 addressed above, wherein all claimed limitation functions

have been addressed and/or set forth above and certainly it is well known in the

computer art to run and/or practice as such computer product which has its

computer-executable instructions stored on a computer-readable storage

medium so that this computer product would be executed by the computer

system to perform the method addressed in claim 1 above to realize its

functionality. Therefore, they also would have been obvious by Zan.

Claim 25:

Zan discloses the data structure of claim 24 further comprising a third set of data

comprising another delta file (see for example, p.3, right column, lines 1-5,

"sequence for compression" about 4 pairwise delta compressions). It is well

known in the computer art to practice and store said method in the computer-

readable medium. Therefore, it is also obvious by Zan.

Claim 26-27:

Zan further discloses the data structure of claim 24 wherein the other delta is

configured to synthesize another target file when applied to the base/target file.

(see for example, p.2, left column, lines 36-38, "each target file is compressed

with respect to a single reference file" and also see p.3, right column, lines 1-5,

"sequence for compression" about different combinations of pairwise

compressions and also see related explanations). It is well known in the

computer art to practice and store said method in the computer-readable

medium. Therefore, it is also obvious by <u>Zan</u>.

Claim 28:

Zan further discloses the data structure of claim 24 further comprising transmitting the data structure from a source to a client recipient (see for example, p.1, right column, lines 1-8, "In a communication scenario, they typically exploit the fact that the sender and receiver both possess a reference file that is similar to the transmitted file."). It is well known in the computer art to practice and store said method in the computer-readable medium. Therefore, it is also obvious by <u>Zan</u>.

Claim 34:

Claim 34 is system version for performing the claimed method as in claim 1 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above and certainly a computer system would need to run and/or practice such function steps disclosed by reference above. Thus, it also would have been obvious by <u>Zan</u>

16. Claims 2, 29, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Zan</u> (Zan et al, "Cluster-Based Delta Compression of a Collection of Files") in view of <u>Forbes</u> (Forbes et al., US 6,381,742 B2).

Claim 2:

Zan discloses the method as in claim 1 above, but does not disclose the method further comprising, packaging data for directing a client extractor to synthesize a target file corresponding to the second source file from the base file and the delta. However, Forbes in the same analogous art of software package management discloses a manifest file (package data) to manage the installation, execution. (see for example, Fig.2A, element 207 and related text. Also see abstract about the manifest file). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the manifest file into the software package to provide configuration information to the software installation. One has motivation to do so to automatically install software package without requiring manual intervention by the user. (see for example, col.3, lines 30-34, "Because the manifest file contains the location of the distribution units for any dependencies, the software package manager can acquire and install the dependencies without requiring manual intervention by the user.")

Claims 29, 32 and 33:

Zan discloses the method as in claim 24 above, but does not disclose the method further comprising a third set of data comprising data for directing an extraction program. However, Forbes in the same analogous art of software package management discloses a manifest file (package data) to manage the installation, execution. (see for example, Fig.2A, element 207 and related text.

Also see abstract about the manifest file). Therefore, it would have been obvious

to one having ordinary skill in the art at the time the invention was made to

include the manifest file into the software package to provide configuration

information to the software installation. One has motivation to do so to

automatically install software package without requiring manual intervention by

the user. (see for example, col.3, lines 30-34, "Because the manifest file contains

the location of the distribution units for any dependencies, the software package

manager can acquire and install the dependencies without requiring manual

intervention by the user.")

17.   Claims 3, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

       Zan (Zan et al, "Cluster-Based Delta Compression of a Collection of Files") in

       view of Henry (Craig James Henry, US 6,131,192).

       Claim 3:

       Zan discloses the method as in claim 1 above, but does not disclose the method

       further comprising, setting at least one file name by which a client extractor may

       synthesize a target file corresponding to the second source file from the base file

       and the delta. However, Henry in the same analogous art of software installation

       discloses a method for setting up the software product name. (see for example,

       Fig.4B, steps 415-445 and related text). Therefore, it would have been obvious to

       one having ordinary skill in the art at the time the invention was made to set the

       target file name for decompressed file. One has motivation to do so to identify file

to decompress and set right file name to further installation and execution. (see

for example, col.18, lines 26-32)

Claim 30:

Zan discloses the data structure of claim 24, but does not disclose the data

structure further comprising a third set of data comprising an extraction program.

However, Henry in the same analogous art of software installation discloses the

software package includes a setup program (extraction program) and a

compressed file. (see for example, col.1, lines 16-18). Therefore, it would have

been obvious to one having ordinary skill in the art at the time the invention was

made to include the setup program in Zan's invention. One has motivation to do

so to automatically perform the decompression process as once suggested by

Henry (see for example, col.1, lines 45-47, "processes automatically")

18.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zan in

        view of Weiss (Mark Allen Weiss, "Data Structures & Algorithm Analysis in C++").

        Claim 9:

        Zan discloses the method as in claim 8 above wherein a branching B of a

        directed graph G does not contain a cycle, but does not disclose using minimum

        spanning tree or like algorithm to the directed graph to eliminate loop. However,

        Weiss in the same analogous art of eliminate loop in graph discloses a method of

        using minimum spanning tree. (see for example, p.356-362, "Prim's Algorithm"

and "Kruskal's Algorithm"). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to use minimum

spanning tree algorithm to eliminate loop in Zan's directed graph. One has

motivation to do so to prevent loop in Zan's directed graph as once required by

Zan (see for example, p.3, left column, line 19, "B does not contain a cycle").

19.   Claims 13, 14, 15 and 21-23 are rejected under 35 U.S.C. 103(a) as being

        unpatentable over Zan (Zan et al, "Cluster-Based Delta Compression of a

        Collection of Files") in view of Sliger (Sliger et al., US 6,216,175)

        Claim 13:

        Zan discloses in a computing environment, a method to compress a collection of

        files to generate a plurality of deltas and base files in a package, (see for

        example, p.1, right column, lines 23-26, "using delta compression to better

        compress large collections of file where it is not obvious at all how to efficiently

        identify appropriate reference and target files"), but does not explicitly disclose

        how to decompress them. However, Sliger in the same analogous art of software

        updating and patching discloses a method comprising:

        • receiving a package(see for example, Fig.3, item 54 and related text, "Patch

           File"); and

        • synthesizing a target file by applying a delta in the package to a base file to

           synthesize a target file (see for example, Fig.3, items 54, 58 and related text,

           also see Fig.7, "user's computer" and related text)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Sliger's decompressing method to decompress and generate target files from Zan's compressed file. One has motivation to do so in order to reduce communication or storage costs as once pointed by Zan (see for example, p.1, left column, section 1, Introduction)

Claim 14:

Zan and Sliger disclose the method as in claim 13 above, Zan further disclose the method wherein applying the delta to the base file comprises applying the delta to a base file included in the package (see for example, p.2, left column, lines 41-44, "compressing and uncompressing an entire collection", also see Fig.1 and related text).

Claim 15:

Zan and Sliger disclose the method as in claim 13 above. Zan also discloses the method wherein applying the delta to the base file comprises applying the delta to a base file synthesized from another delta and another base file (see for example, p.3, right column, lines 1-5, "sequence for compression")

Claim 21:

Zan and Sliger disclose the method as in claim 13 above. Zan also discloses the method further comprising, applying another delta to the synthesized target file to

synthesize another target file (see for example, fig.1 and related text, also see

lines 1-5, "files 1...4").

Claim 22:

Zan and Sliger disclose the method as in claim 13 above. Zan also discloses the

method further comprising, applying at least two deltas to a common base file to

synthesize at least two target files (see for example, fig.1 and related text, also

see lines 1-5, "The optimal sequence for compression is (0,1), (1,2), (1,3)").

Claim 23:

Zan and Sliger disclose the method as discussed in claim 13 above. It is well

known in the computer art that said method can be practiced and stored in the

computer-readable medium. Therefore, this claim is also obvious by Zan and

Sliger.

20.   Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Zan (Zan et al, "Cluster-Based Delta Compression of a Collection of Files")

in view of Sliger (Sliger et al., US 6,216,175) and in further view of Forbes

(Forbes et al., US 6,381,742 B2).

Claim 16:

Zan and Sliger disclose the method as in claim 13 above, but do not disclose

using the data file to determine to which base file each delta is to be applied.

However, Forbes in the same analogous art of software package management

discloses a manifest file (package data) to manage the installation, execution.

(see for example, Fig.2A, element 207 and related text. Also see abstract about

the manifest file). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to include the manifest file into

Zan and Sliger's method to provide configuration information to the software

installation. One has motivation to do so to automatically install software package

without requiring manual intervention by the user as once suggested by Forbes.

(see for example, col.3, lines 30-34, "Because the manifest file contains the

location of the distribution units for any dependencies, the software package

manager can acquire and install the dependencies without requiring manual

intervention by the user.")

Claim 17:

Zan and Sliger disclose the method as in claim 14 above, but do not disclose the

method wherein the data file comprises a set of instructions including instructions

that identify a particular base file to which a particular delta file is to be applied.

However, Forbes in the same analogous art of software package management

discloses a manifest file (data file) to manage the installation, execution. (see for

example, Fig.2A, element 207 and related text. Also see abstract about the

manifest file). Therefore, it would have been obvious to one having ordinary skill

in the art at the time the invention was made to include the manifest file into Zan

and Sliger's method to provide configuration information to the software

installation. One has motivation to do so to automatically install software package

without requiring manual intervention by the user as once suggested by Forbes

(see for example, col.3, lines 30-34, "Because the manifest file contains the

location of the distribution units for any dependencies, the software package

manager can acquire and install the dependencies without requiring manual

intervention by the user.")

21.   Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Zan (Zan et al, "Cluster-Based Delta Compression of a Collection of Files") in

view of Sliger (Sliger et al., US 6,216,175) and in further view of Henry (Craig

James Henry, US 6,131,192).

Claim 18:

Zan and Sliger disclose the method as in claim 13 above, but do not disclose the

method further comprising; executing a setup program. However, Henry in the

same analogous art of software installation discloses the method comprising

setting up the software product. (see for example, Fig.3, item 130, 135 and 140

and related text, "Place decompressed file in the temporary storage space",

"Begin setting up the software product"). Therefore, it would have been obvious

to one having ordinary skill in the art at the time the invention was made to

further execute the setup program to install files which are decompressed by <u>Zan</u>

and <u>Sliger</u>. One has been motivated to do so to simplify and streamline the

process of installing a software product on a computer as once suggested by

<u>Henry</u> (see for example, col.1, lines 48-50)

Claim 19:

·<u>Zan</u>,<u>Sliger</u> and <u>Henry</u> disclose the method as in claim 18 above, <u>Henry</u> further

discloses the method wherein the setup program is executed after each delta has

been applied to a corresponding base file. (see for example, Fig.3, item 120, 125,

130, 135 and related text, "Place decompressed file in the temporary storage

space"). Therefore, it would have been obvious to one having ordinary skill in the

art at the time the invention was made to further execute the setup program to

store files in the temporary directory which are decompressed by <u>Zan</u> and <u>Sliger</u>

and check the decompression status. One having been motivated to do so to

simplify and streamline the process of installing a software product on a

computer as once suggested by <u>Henry</u> (see for example, col.1, lines 48-50)

Claim 20:

<u>Zan</u> and <u>Sliger</u> disclose the method as in claim 13 above, but do not disclose the

method further comprising, deleting the deltas from a temporary directory.

However, <u>Henry</u> in the same analogous art of software installation discloses the

step to delete files form temporary storage space. (see for example, Fig.3, step
155, "Delete Files From temporary storage space" and related text). Therefore, it
would have been obvious to one having ordinary skill in the art at the time the
invention was made to delete the deltas files in the temporary directory. One
having been motivated to do so to reduce storage costs as once suggest by Zan
(see for example, p.1, left column, section 1, Introduction)

22.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zan
(Zan et al, "Cluster-Based Delta Compression of a Collection of Files") in view of
Henry (Craig James Henry, US 6,131,192) and in further view of Forbes (Forbes
et al., US 6,381,742 B2).

Claim 31:

Zan and Hernry disclose the data structure of claim 30, but do not disclose the
data structure further comprising data for directing the extraction program.
However, Forbes in the same analogous art of software package management
discloses a manifest file (package data) to manage the installation, execution.
(see for example, Fig.2A, element 207 and related text. Also see abstract about
the manifest file). Therefore, it would have been obvious to one having ordinary
skill in the art at the time the invention was made to include the manifest file into
the software package to provide configuration information to the software
installation. One has motivation to do so to automatically install software package
without requiring manual intervention by the user. (see for example, col.3, lines

30-34, "Because the manifest file contains the location of the distribution units for

any dependencies, the software package manager can acquire and install the

dependencies without requiring manual intervention by the user.")

Conclusion

23.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

24.   Applicant's arguments with respect to claims rejection have been considered but

are moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

25.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Zheng Wei whose telephone number is (571)

270-1059 and Fax number is (571) 270-02059. The examiner can normally be

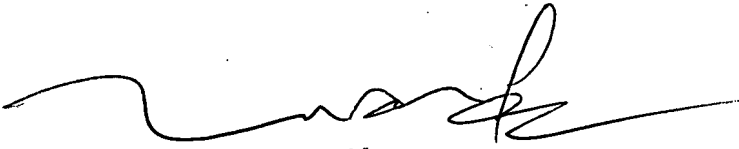reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application

or proceeding should be directed to the TC 2100 Group receptionist whose

telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZW

TUAN DAM
SUPERVISORY PATENT EXAMINER